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 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 BY: [Signature]

08 MJ0269

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 5 UNITED STATES OF AMERICA,) MAGISTRATE CASE NO.
 6)
 7 Plaintiff,) COMPLAINT FOR VIOLATION OF
 8)
 9 v.) Title 8, U.S.C., Section
 10 Rodolfo Mejia-Galan) 1324(a)(1)(A)(ii) & (v)(II)
 11) Attempted Transportation of
 12) Illegal Aliens and Aiding
) and Abetting
 Defendant.)
) Title 18 U.S.C., Section
) 111(a)(1) and (b) - Assault on a
) Federal Officer (Felony)
)
)

13 The undersigned Complainant, being duly sworn, states:

COUNT I

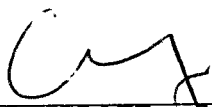
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 15 On or about January 27, 2008, within the Southern District of
 16 California, defendant Rodolfo MEJIA-Galan, with the intent to
 17 violate the immigration laws of the United States, knowing and in
 18 reckless disregard of the fact that aliens, Elliot BAUTISTA-
 19 JIMENEZ, Luis GERALDO-CARRILLO, and Eduardo BAUTISTA-RAMIREZ, had
 20 come to, entered and remained in the United States in violation of
 21 law, did attempt to transport and move, said aliens within the
 22 United States in furtherance of such violation of law; in violation
 23 of Title 8, United States Code, Section 1324 (a)(1)(A)(ii) &
 24 (v)(II).

COUNT II

25
 26 That on or about January 27, 2008, within the Southern
 27 District of California, defendant Rodolfo MEJIA-Galan did knowingly
 28 and intentionally and forcibly assault, resist, oppose, impede, or

1 interfere with a person named in Title 18, United States Code,
2 Section 1114, to wit, Department of Homeland Security, United
3 States Supervisory Border Patrol Agent Kyle Krall, in that
4 defendant attempted to strike Agent Krall with his vehicle, while
5 Agent Krall was engaged in the performance of his official duties;
6 in violation of Title 18, United States code, Sections 111(a)(1)
7 and (b), a felony.

8
9 And the complainant states that this complaint is based on the
10 attached Statement of Facts incorporated herein by reference.

11
12  FBI
13 CARLA J. CROFT, SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

14 Sworn to me and subscribed in my presence this 29th day of
15 January, 2008.

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18 BARBARA L. MAJOR
19 UNITED STATES MAGISTRATE JUDGE
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MIP

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3 UNITED STATES OF AMERICA

4 v
Rodolfo MEJIA-Galan

5 PROBABLE CAUSE STATEMENT

6 The complainant states that Elliot BAUTISTA-JIMENEZ, Luis
7 GERALDO-CARRILLO, and Eduardo BAUTISTA-RAMIREZ are citizens of a
8 country other than the United States; that said aliens have
9 admitted that they are deportable; that their testimony is
10 material; that it is impracticable to secure their attendance at
11 trial by subpoena; and they are material witnesses in relation to
12 these criminal charges and should be held or admitted to bail
13 pursuant to Title 18, United States Code, Section 3144.

14 On January 27, 2008, Supervisory Border Patrol Agent ("SBPA")
15 Krall was responding to a call from the California Highway Patrol
16 regarding lost people near Tecate, California. At approximately
17 6:42 a.m., SBPA Krall was driving west bound on highway 94, near
18 Saxon Road, when he noticed a white Chevrolet pickup with a camper
19 shell on back traveling east bound on highway 94. The previous
20 day, SBPA Krall had noticed the same vehicle in the same area where
21 several groups of illegal aliens had been apprehended. SBPA Krall
22 turned his marked Border Patrol Unit around and followed the pickup
23 truck. SBPA Krall further noticed that the windows on the camper
24 shell were darkened out and that the driver's side window was
25 rolled down despite the heavy rain conditions. Based on his
26 experience, SBPA Krall knew that alien smugglers were known to
27 drive with their windows rolled down possibly indicating a
28

1 temperature change caused by multiple people entering the vehicle
2 recently.

3 SBPA Krall continued to follow the pickup truck east bound on
4 highway 94 toward Potrero, California. The pickup truck turned
5 north bound on Potrero Valley Road and then east on Potrero Park
6 Road. SBPA Krall called in the license plate (CA 3U73145) to San
7 Diego Sector Dispatch. The registration came back to Saul Cardenas
8 of Oceanside, California. There are only a few residences located
9 on Potrero Park Road. These residences are well documented as
10 places where alien smugglers pick up their "loads". Based on SBPA
11 Krall's observations, experience and proximity to the international
12 border, he effected a vehicle stop with lights and sirens on.

13 The pickup truck pulled off to the side of the road
14 approximately 500 yards west of Potrero Park. SBPA Krall, in full
15 Border Patrol uniform, exited his vehicle and began to approach the
16 pickup truck. When SBPA Krall had almost reached the front end of
17 his patrol vehicle, the pickup truck accelerated away from the
18 agent and headed east bound, entering Potrero County Park. SBPA
19 Krall reentered his vehicle and followed the pickup truck through
20 the park. SBPA Krall maintained sight of the pickup truck as it
21 exited the park and drove south on a dirt road called "Christmas
22 Tree Farm" road. The pickup truck appeared to get stuck in the
23 mud. SBPA Krall parked approximately 30 feet behind the pickup
24 truck, exited his vehicle and approached the pickup truck. SBPA
25 Krall issued verbal commands as he approached. The driver put the
26 pickup in reverse and began to accelerate. SBPA Krall was now
27 approximately six to ten feet behind the pickup truck. The road
28 was very slick due to the rain. SBPA Krall had nowhere to retreat.

1 Fearing for his life, and perceiving that the driver of the pickup
2 was attempting to run over him, SBPA Krall began shouting verbal
3 commands. The driver failed to yield to the verbal commands and
4 continued to accelerate toward SBPA Krall. SBPA Krall drew his duty
5 weapon and fired three to five shots at the driver in an attempt to
6 eliminate the threat. After the shots were fired, the driver put
7 the vehicle in forward and drove approximately 200 yards before it
8 crashed into an embankment. SBPA Krall previously noted that the
9 driver was a male wearing a jacket with white stripes down the
10 sleeve. SBPA Krall approached the now stopped pickup and noticed a
11 foot imprint on the wet road that was left by the driver as he fled
12 the pickup. SBPA Krall followed the foot markings in a south-east
13 direction toward some brush.

14 At approximately 8:40 a.m., other agents, who responded to the
15 area, encountered a group of individuals in the vicinity of where
16 the driver had absconded. The individuals initially tried to flee
17 from the agents but eventually ten individuals were apprehended.

18 **DEFENDANT STATEMENT (Rodolfo MEJIA-GALAN):**

19 On January 27, 2008, Rodolfo MEJIA-Galan was interviewed by
20 FBI and United States Border Patrol agents. MEJIA-Galan was
21 advised of his Miranda Rights. MEJIA-GALAN stated that he
22 understood his rights and was willing to answer questions without
23 an attorney present.

24 MEJIA-GALAN told the agents that he was an undocumented alien
25 who currently was residing in Spring Valley, California. MEJIA-
26 Galan stated that he had received the white pickup truck on January
27 26, 2008 from a man named Constantino LOPEZ. MEJIA-Galan
28 explained that LOPEZ is an alien smuggler from Tijuana, Mexico.

1 MEJIA-Galan has previously transported smuggled illegal aliens for
2 LOPEZ. Three times that MEJIA-Galan transported the illegal aliens
3 he was successful. MEJIA-Galan was unsuccessful once in 2004, was
4 apprehended and spent time in federal prison.

5 MEJIA-GARCIA stated he made arrangements with LOPEZ to be paid
6 \$400.00 to drive the truck to a designated location in Potrero and
7 drop it off to pick up a group of illegal aliens. MEJIA-Galan was
8 not going to drive the vehicle once the group arrived but get
9 picked up by a man called "El Tuca" who would be driving a cream
10 colored Mitsubishi or Neon. The foot-guide would then drive the
11 "load" to it's destination. This was to be the first time that
12 MEJIA-Galan did not drive the "load" of illegal aliens himself.
13 When he drives the "load", he said he is paid \$100.00 for each
14 person in the group.

15 MEJIA-Galan stated on January 27, 2008, he left his residence
16 in Spring Valley in the white pickup truck at approximately 5:00
17 a.m. after receiving a call from "El Tuca". MEJIA-Galan was not
18 familiar with the Potrero Park location but LOPEZ had given him
19 directions. While en route to Potrero Park, "El Tuca" called
20 MEJIA-Galan to tell him that the highway 94 Border Patrol
21 Checkpoint was closed and it was safe to drop off the pickup truck.
22 MEJIA-Galan last communicated with "El Tuca" when "El Tuca" was in
23 the Jamul, California area. A short time after he lost telephone
24 contact, MEJIA-Galan noticed a marked Border Patrol vehicle
25 traveling west bound past him. MEJIA-Galan saw the Border Patrol
26 vehicle make a U-turn behind his pickup. The Border Patrol vehicle
27 began following him east bound on highway 94. MEJIA-Galan recalled
28 that he turned north on Potrero Valley Road and then east on the

1 road that goes toward Potrero Park. The Border Patrol vehicle was
2 still following him. MEJIA-Galan said he became scared because he
3 is an undocumented alien and because of the previous arrest.

4 MEJIA-Galan stated that as he approached the park, he observed
5 the Border Patrol vehicle's lights turn on behind him. MEJIA-Galan
6 pulled over and stopped the pickup truck. MEJIA-Galan saw a Border
7 Patrol Agent in full uniform exit the vehicle and approach the
8 driver's side of the pickup truck. MEJIA-Galan said he then sped
9 away toward the park. MEJIA-Galan is not familiar with the park
10 and tried to find a way to escape the park area. MEJIA-Galan drove
11 to a turn around area and was still being pursued by the Border
12 Patrol vehicle. MEJIA-Galan turned and began to drive down a muddy
13 dirt road with trees all around him when the pickup truck got stuck
14 in the mud. MEJIA-Galan said that he put the truck into reverse at
15 least two times and forward at least two times in order to maneuver
16 the pickup out of the mud. MEJIA-Galan heard the Border Patrol
17 Agent yelling at him while he was attempting to free the pickup but
18 he did not understand what the agent was saying. MEJIA-Galan then
19 heard two shots fired and later felt his tire go flat. MEJIA-Galan
20 exited out of the vehicle and began to run away. As he was
21 running, he threw aside a dark colored jacket with white stripes on
22 the sleeves because it was making it difficult for him to run.
23 MEJIA-Galan explained that he ran up a hill and saw approximately
24 ten people in the brush below him. The people in the group began
25 to run different directions. MEJIA-Galan heard the foot-guide say
26 to follow him. MEJIA-Galan said he stayed with approximately four
27 of the people in the group.

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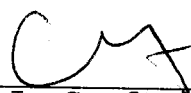
1 **MATERIAL WITNESS STATEMENTS:**

2 On January 27, 2008, Material Witness Elliot BAUTISTA-JIMENEZ
3 was interviewed at the El Cajon Border Patrol Station. BAUTISTA-
4 JIMENEZ told agents that he had entered the United States by
5 walking across the International Boundary Line on January 26, 2008.
6 BAUTISTA-JIMENEZ stated that upon his arrival to his friend's
7 location in California, his friend was to pay \$2,000.00 to the
8 group who helped him cross the border. BAUTISTA-JIMENEZ stated
9 that after walking for most of the night in heavy rain, the group
10 was told by the guide to stop. The sun was just beginning to
11 rise. BAUTISTA-JIMENEZ was not sure exactly how many people were
12 in the group because he never thought to count everyone.
13 BAUTISTA-JIMENEZ was not sure why the group stopped at that
14 particular area but did recall that after they stopped the guide
15 said he was going to call someone. BAUTISTA-JIMENEZ was not sure
16 if the guide was going to have the group walk more or if they were
17 going to be picked up at that location. Shortly after the guide
18 made the phone call, BAUTISTA-JIMENEZ heard the sound of vehicle
19 tires spinning. BAUTISTA-JIMENEZ recalled that whoever was driving
20 the vehicle must have been stepping on the gas because the sound
21 was loud. BAUTISTA-JIMENEZ heard a continuous sound. It did not
22 sound like the vehicle was being rocked back and forth. BAUTISTA-
23 JIMENEZ did not hear any voices but explained that he had plastic
24 over his head to protect him from the rain. After he heard the
25 sound of the tires spinning, BAUTISTA-JIMENEZ heard four gun shots.
26 BAUTISTA-JIMENEZ was startled and began to run. The whole group
27 scattered. BAUTISTA-JIMENEZ saw a man running near the group who
28 did not cross the border with the group. BAUTISTA-JIMENEZ became

1 tired of running and stopped and waited for Border Patrol Agents to
2 find him. BAUTISTA-JIMENEZ was shown a series of Polaroid
3 photographs of persons arrested following the incident. BAUTISTA-
4 JIMENEZ identified the person in photograph nine as being the
5 person who did not cross the border with the group but was running
6 near the group after the gun shots. Photo #9 depicts the defendant
7 Rodolfo MEJIA-GALAN.

8 Material Witness Luis GERALDO-CARRILLO provided a similar
9 account of the events as BAUTISTA-JIMENEZ and stated that a family
10 member was going to pay \$2,300.00 to \$2,500.00 for him to be
11 smuggled to Los Angeles, California upon his arrival. Material
12 Witnesses Eduardo BAUTISTA-RAMIREZ also provided a similar account
13 of the events as BAUTISTA-JIMENEZ and stated that arrangements had
14 been made to pay the smugglers \$2,000.00 as a fee for being
15 smuggled. Both GERALDO-CARRILLO and BAUTISTA-RAMIREZ also were
16 shown the series of Polaroid photographs and chose #9 as the person
17 that did not cross with them.

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19 Executed on January 29, 2008 at 11:30 a.m.

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21  FBI
22 Carla J. Croft, Special Agent
23 Federal Bureau of Investigation
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